THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.587 of 2007

Dated: 21-11-2007

Between:

1.Jyothy Laboratories Limited,
Mumbai, rep. by its
Managing Director and another.

....APPELLANTS

AND

1.The Appellate Authority u/s.53 of the
A.P.Shops & Establishments Act, 1988-cum-
Asst.Commissioner of Labour,
Khammam and 2 others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Appeal No.587 of 2007

Dated: 21-11-2007

Judgment: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

This Writ Appeal has been filed by the appellants-petitioners aggrieved by the interim order dated 21-06-2007 passed by a learned single Judge of this Court in WVMP.No.1186 of 2007 in W.P.M.P.No.33058 of 2006 in W.P.No.25767 of 2006.

The first respondent-Authority under Section 53 of the Shops and Establishments Act, 1988, by an order dated
30-06-2006 in S & E Appeal No.2 of 2004, confirmed the order dated 26-05-2004 passed by the second respondent-Authority under Section 50 of the A.P.Shops & Establishment Act, 1988, in S.E.Case No.1/2002, whereby the appellants-employers were directed to pay the third respondent-employee an amount of Rs.40,425/- and also an equal amount by way of one time compensation. The order passed by the first respondent has been challenged by way of Writ Petition No.25767 of 2006. Along with the Writ Petition, an interlocutory application being WPMP.No.33058 of 2006 seeking stay of the order of the first respondent-Authority was filed. The learned single Judge, on considering the rival contentions, granted stay on deposit of an amount of Rs.40,425/- by the appellants within a period of six weeks. The learned single Judge also directed that on such deposit being made, the third respondent shall be at liberty to withdraw the amount without furnishing any security. Aggrieved thereby, the appellants filed the present appeal.

After hearing the learned Counsel for the parties, we feel that the interest of justice would be met, if the third respondent is permitted to withdraw 50% of the deposited amount subject to an undertaking that he will reimburse the amount in case the Writ Petition is decided against him. The amount shall be deposited by the appellants-employers within a period of four weeks from today.

Writ Appeal is, accordingly, disposed of. No costs.

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(Bilal Nazki, A.C.J)

Dated 21st November, 2007

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(Ramesh Ranganathan, J)

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